

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES W SCHUBERT,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON, et  
al.,

Defendants.

Case No. 17-cv-00856-KAW

**ORDER GRANTING REQUEST TO  
DISMISS ACTION WITHOUT  
PREJUDICE**

Re: Dkt. No. 65


On August 19, 2019, Plaintiff James W. Schubert personally filed a request that the Court dismiss the case without prejudice. (Pl.'s Req. to Dismiss, Dkt. No. 65.) Defendants' opposition was due on September 3, 2019. As of the date of this order, no opposition has been filed.

Currently, Plaintiff's attorney of record is Daniel Alan Grout. Mr. Grout, however, has failed to respond to numerous orders, including a July 31, 2019 order to show cause. (Dkt. No. 64; *see also* Dkt. Nos. 59, 60.) Thus, the Court finds that Mr. Grout has effectively abandoned Plaintiff, and accepts Plaintiff's filing.

Accordingly, the Court GRANTS Plaintiff's request to dismiss the case without prejudice. The Clerk of the Court is directed to close the case and serve a copy of this order on Plaintiff.

IT IS SO ORDERED.

Dated: September 10, 2019

  
KANDIS A. WESTMORE  
United States Magistrate Judge